

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>	)	
State Engineer, <i>et al.</i> ,	)	69cv07941-MV/KK
	)	
Plaintiffs,	)	RIO CHAMA ADJUDICATION
	)	
v.	)	Section 3, Rio Cebolla
	)	
ROMAN ARAGON, <i>et al.</i> ,	)	Subfile Nos. CHCB-001-0007,
	)	CHCB-002-0001B, CHCB-002-0002C,
Defendants.	)	CHCB-002-0009
_____	)	

**STATE’S REPLY REGARDING OBJECTIONS TO EXHIBITS**  
**IN RIO CHAMA, SECTION 3, RIO CEBOLLA SUBFILES**

On August 30, 2016, in its Order Setting Trial (Doc. 11138), this Court reset the deadlines of the Revised Pretrial Order (Doc. 11064, filed December 16, 2014). On October 4, 2016, the Court filed an Order Granting Motion to Extend Deadlines (Doc. 11164).

On October 26, 2016, pursuant to Docs. 11064, 11138 and 11164, the State filed its objections to the defendants’ proposed trial exhibits, and the defendants filed their objections to the State’s proposed trial exhibits (Docs. 11181 and 11184 respectively). On November 16, 2016, again pursuant to Docs. 11064, 11138, and 11164, the State filed its response to the defendants’ objections. However, the defendants did not file a corresponding response to the State’s objections. Under the Local Civil Rules of the United States District Court for the District of New Mexico Rule 7.1(b), “[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.”<sup>1</sup>

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<sup>1</sup> The State submits that the State’s Objections to Defendants’ Proposed Exhibits in Rio Chama, Section 3, Rio Cebolla Subfiles (Doc. 11181, filed October 26, 2016), while not titled a “motion,” was in fact a motion in limine to exclude defense exhibits based on the State’s objections.

Accordingly, the State submits that the defendants have consented to the Court's granting of the State's objections to the defendants' proposed trial exhibits.

Respectfully submitted,

/s/ Felicity Strachan

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**Certificate of Service**

I certify that on November 22, 2016, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Felicity Strachan

Felicity Strachan